



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00989-YS
Issue Date: December 20, 2005
Expiration Date: January 20, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Jeffrey McDonald/Bernard Leiner
45 Seely Place
Scarsdale, NY 10583

ACTIVITY: Road Fill for Subdivision

WATERWAY: Unnamed tributary to West Branch Croton River of the Hudson River

LOCATION: Lockwood Lane, Town of Carmel, Putnam County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information

CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00989-YS

submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.


Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: New York State Department of Environmental Conservation and Town of Caramel

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-0183 and ask for Steven A. Schumach.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


For / Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Jeffrey McDonald/Bernard Leiner, has requested Department of the Army authorization to construct a road to facilitate the construction of a residential subdivision in an unnamed tributary of the West Branch of the Croton River at Lockwood Lane, Town of Carmel, Putnam County, New York.

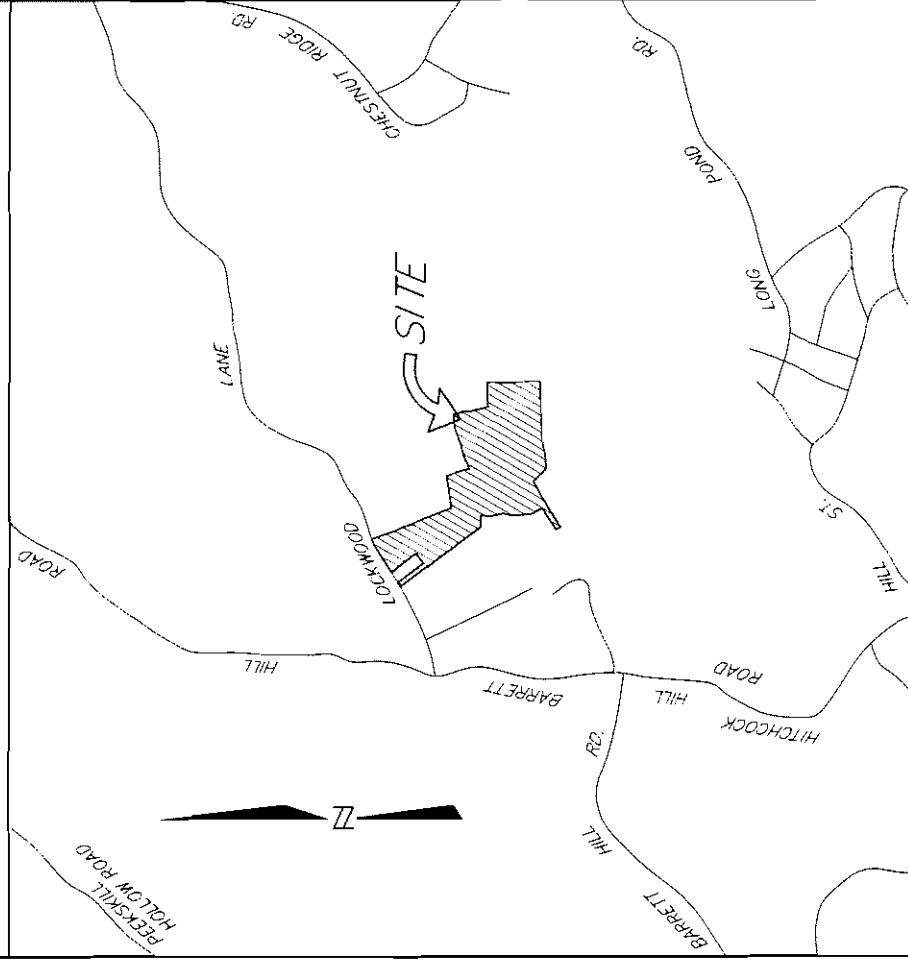
The work would involve the discharge of fill 365 cubic yards of clean fill into 0.33 acres of wetlands for the construction of an access road. The applicant would place a silt fence at the limit of the wetland fill to contain the fill on the project site. The remainder of the road and other construction at the site would be on upland (non-wetland) property located out of Department of the Army jurisdiction.

As mitigation, the applicant proposes to create 0.37 acres of freshwater wetlands. Adjacent to the mitigation area would be a proposed stormwater quality basin of 0.31 acres, which would treat road runoff prior to its reaching the wetlands. A berm would be built in the basin to allow water to pond at the bottom of the basin.

The stated purpose of this project is to construct a road to provide access to a proposed residential subdivision. It is noted that this project was authorized by Corps of Engineers Nationwide Permit Number 26 on June 5, 2000. The Nationwide permit expired, and the work was not done. Nationwide permit number 26 was not reissued, and the application is being processed as an individual permit application.

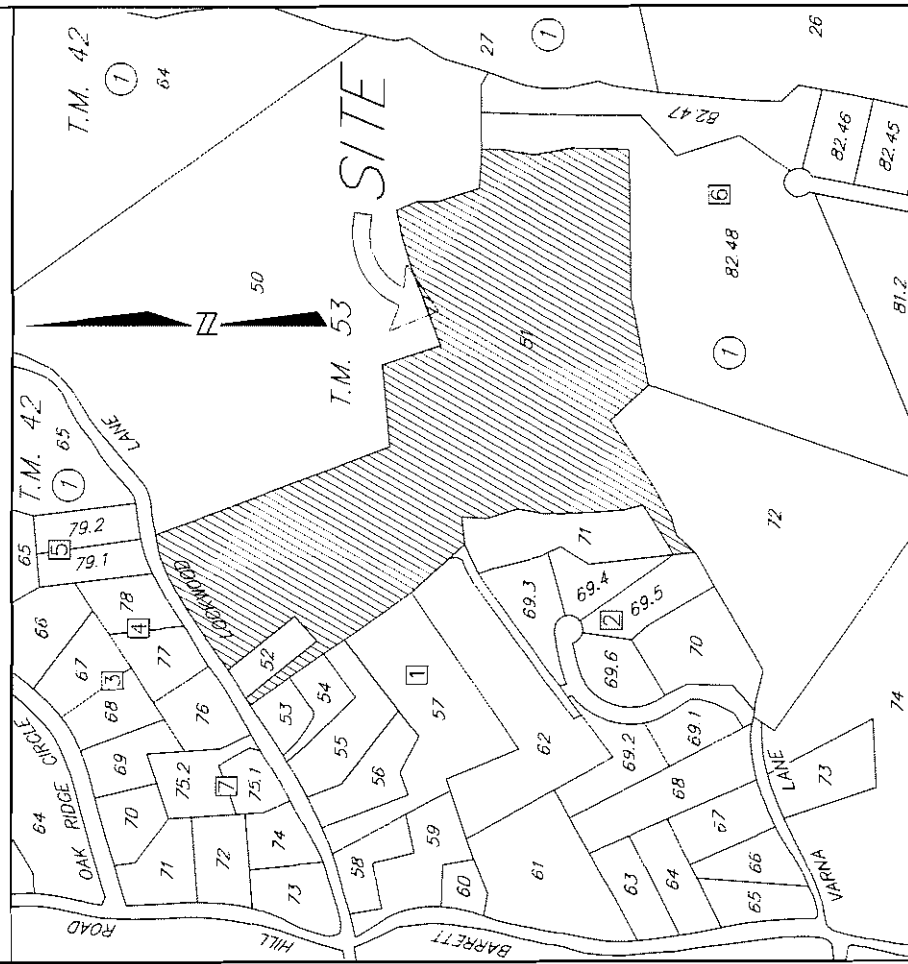
LOCATION MAP

SCALE 1 inch=2000ft.



VICINITY MAP

SCALE 1 inch=800ft.



PROJECT DESCRIPTION:

The owners propose to subdivide a thirty-six (36) acre parcel into ten (10) residential building lots and one (1) additional common property that will accommodate the common SSTS. The lots will range in size from one and a half (1 1/2) acres to eleven (11) acres, averaging three (3) acres in size. A common subsurface sewage disposal system will be located on lot 11 and private individual drilled wells will service each lot. A new 2,030 LF Private Road will access the new lots. The road will have a paved wearing surface. A combination of swales, cross culverts, catch basins and curbing will collect surface runoff from the roadway and convey the stormwater to its ultimate discharge location.

The following is a list and description of all activities within Freshwater Wetland OL-42 and its adjacent area:

1. Construction of a private subdivision road, which requires 0.33 acres of disturbance.
2. Stormwater Drainage system for new road, including catch basins, culverts, and drainage swales.
3. Construction of 0.37 acres of new wetlands to replace the disturbed area. In addition to this replacement area, a shallow water quality basin, 0.31 acres in size, is also being designed to have wetland characteristics. This stormwater quality basin, Pond 1, contains a forebay to treat stormwater for the new road before it reaches the wetland. Existing overhead flow from mainly offsite areas on the other side of the proposed road will continue to reach the wetland by percolation through culverts and the stormwater quality basin.

SHEET 1 OF 7

PREPARED FOR

MCDONALD & LEINER

SITUATE IN THE

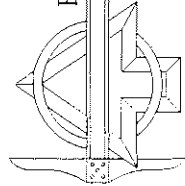
TOWN OF CARMEL
PUTNAM COUNTY
NEW YORK

SEPTEMBER 13, 2005

Surveyed & Prepared by

BADEY & WATSON, Surveying & Engineering, P.C.

3063 Route 9
Cold Spring, New York 10516
(845) 265-9217
(845) 225-3312
(877) 314-1503 Toll-Free
(914) 628-1800
(914) 739-3577



PROPOSED WETLAND
MITIGATION AREA
SEE SHEET 6 OF 7
0.37 ACRES

Area = 35.919 Acres
(includes 2,146 Sq.Ft. within area
to be dedicated to the Town of Carmel)

APPROXIMATE LOCATION OF FLAG
16A HUNG BY LANCE KOLTS ON
OCT. 24, 1997 TO COMPLETE
WETLAND BOUNDARY DETERMINATION

DEC WETLAND
EDGE

DEC WETLAND BOUNDARY FOUND
TO COINCIDE WITH TOWN
BOUNDARY IN THIS AREA

DEC AND ACCE
WETLAND EDGE

ACCE WETLAND
EDGE

DEC WETLAND
EDGE

STORM WATER
QUALITY BASIN
0.31 ACRES

ACCE WETLAND
EDGE

PORTION OF N.Y.S.D.E.C. WETLAND 01-42
02516
Any proposed construction, grading,
filling, excavating, clearing or other
regulated activity within the freshwater
wetland or adjacent 100 feet requires a
permit from the N.Y.S. Department of
Environmental Conservation under Article
24 of the Environmental Conservation
Law (Freshwater Wetlands Act) prior to
commencement of work.

Edge of wetlands as flagged
by Lance Kolts of the DEC
on July 2, 1997

Area of Federally Regulated Wetlands
to be Filled (Total = 0.333 Acres)

DEC AND ACCE
WETLAND EDGE

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EDGE

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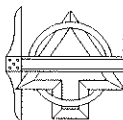
DEC WETLAND
EDGE

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WETLAND EDGE

ACCE WETLAND
EDGE

DEC WETLAND
EDGE

APPROXIMATE LOCATION OF
FLAG 16 HUNG BY LANCE
KOLTS ON OCT. 24, 1997 TO
COMPLETE WETLAND
BOUNDARY DETERMINATION



BADEY & WATSON, Surveying & Engineering, P.C.
3063 Route D (845) 265-9217
Cold Spring, New York 10516 (845) 225-3312
(877) 314-1508 Toll-Free (914) 628-1000
(845) 265-4420 (Fax) (914) 730-3577

SHEET 2 OF 7

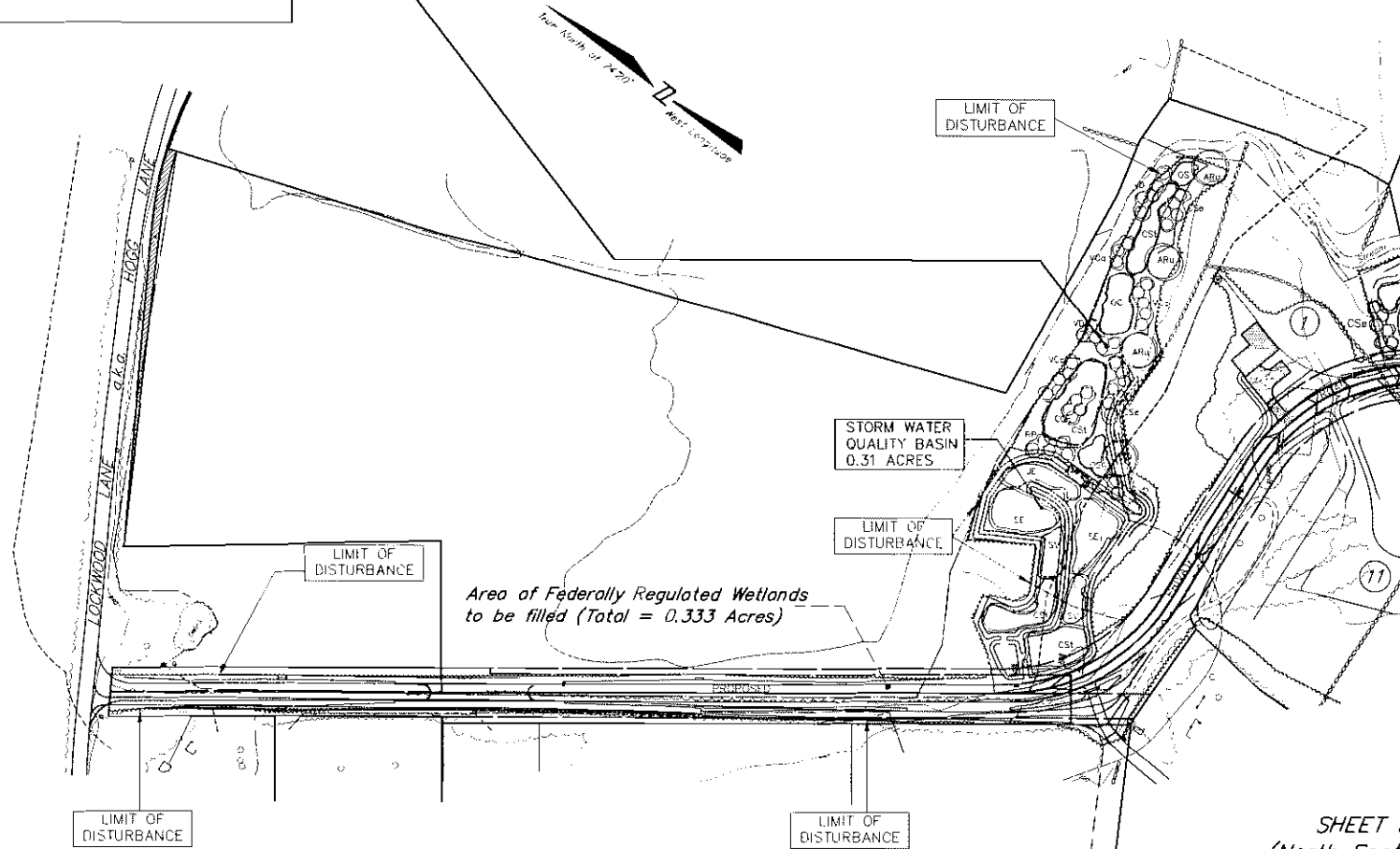
PREPARED FOR
McDONALD & LEINER
SITUATE IN THE
TOWN OF CARMEL
PUTNAM COUNTY
NEW YORK

NOT TO SCALE

SEPTEMBER 13, 2005

PROPOSED WETLAND
MITIGATION AREA
SEE SHEET 6 OF 7
0.37 ACRES

Area = 35.919 Acres
(Which includes 2,146 Sq.Ft. within area
to be dedicated to the Town of Carmel)



SHEET 3 OF 7
(North Section of Site)

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PUTNAM COUNTY
NEW YORK

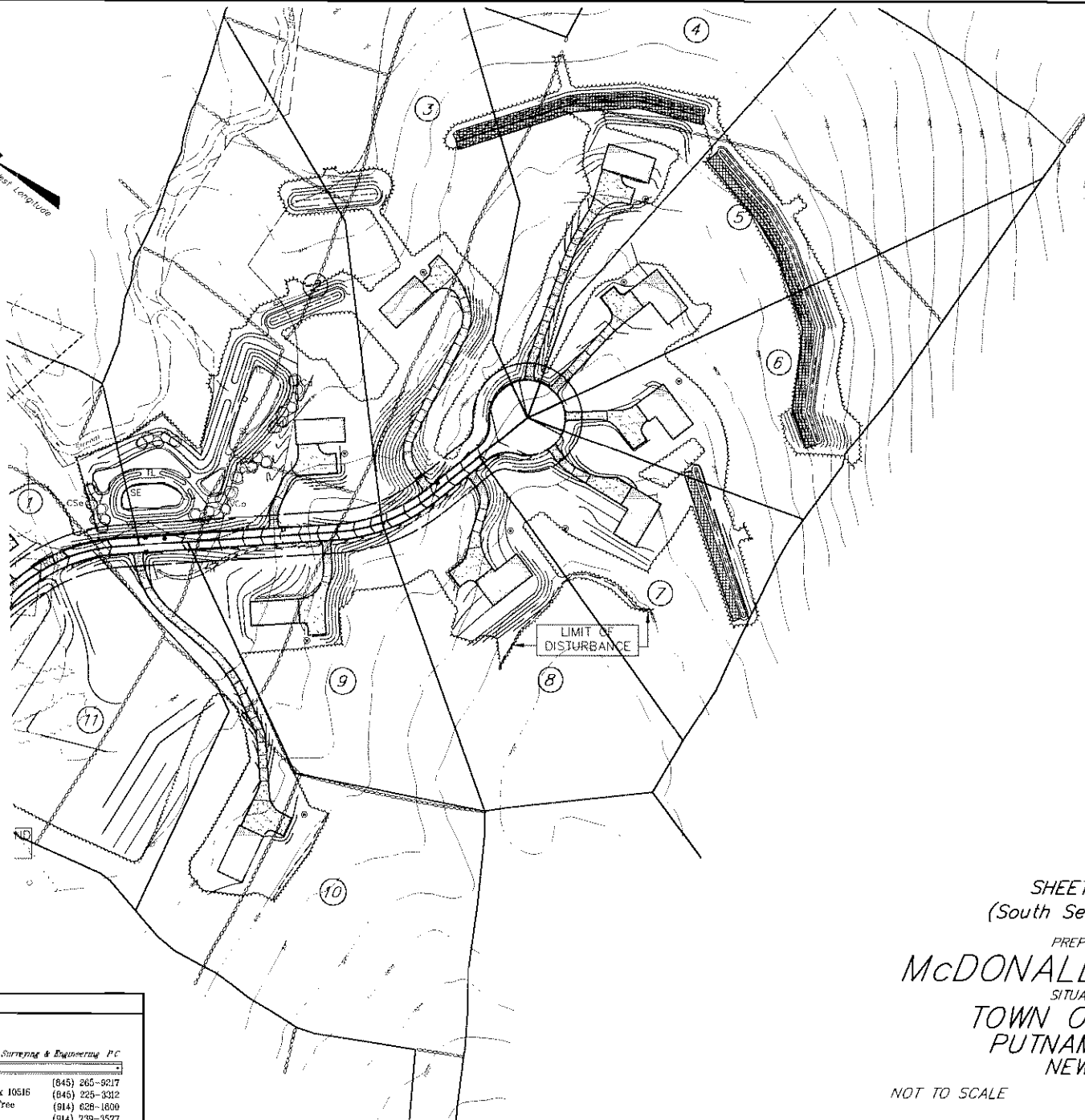
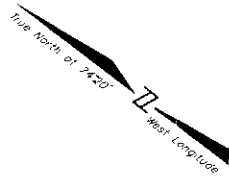
NOT TO SCALE

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BAHEY & WATSON, Surveying & Engineering, P.C.

3063 Route 9	(845) 265-9217
Cold Spring, New York 10516	(845) 225-3312
(877) 314-1553 Toll-Free	(914) 629-1600
(845) 265-4428 (Fax)	(914) 739-3577



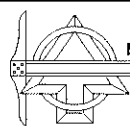
SHEET 4 OF 7
(South Section of Site)

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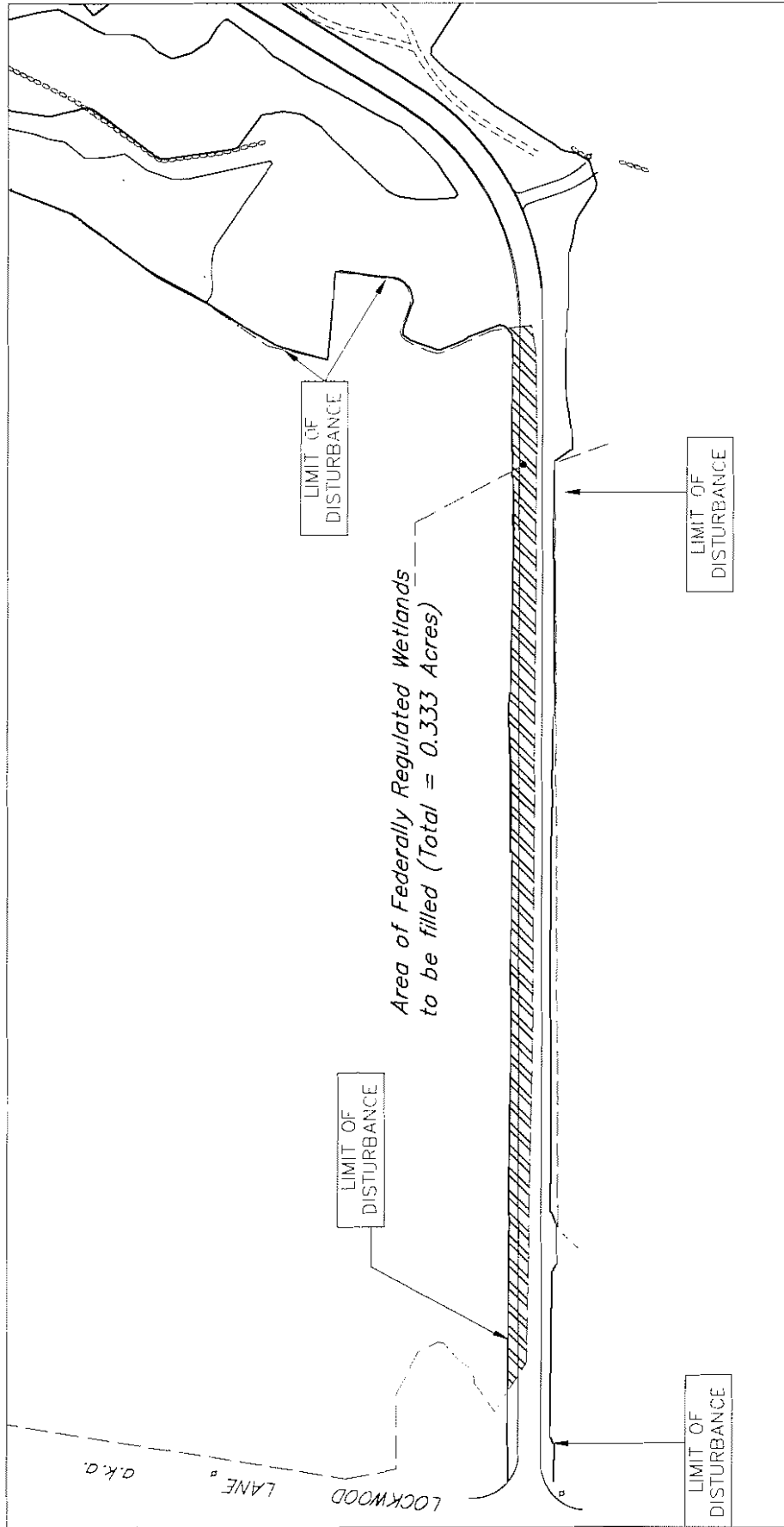
SEPTEMBER 13, 2005

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(845) 265-4428 (Fax)	(914) 739-3577



SHEET 5 OF 7

PREPARED FOR

MCDONALD & LEINER

SITUATE IN THE

**TOWN OF CARMEL
PUTNAM COUNTY
NEW YORK**

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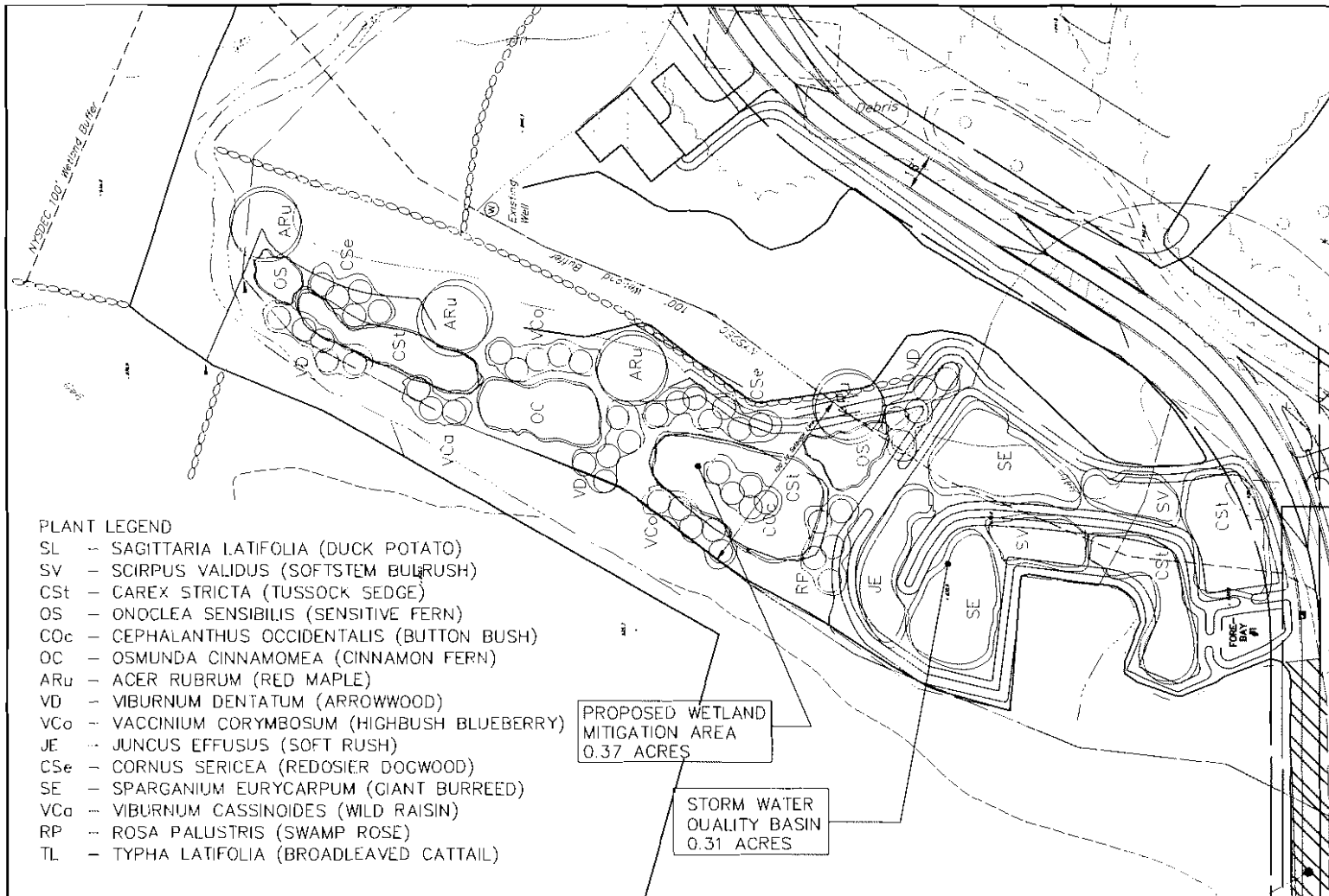
SEPTEMBER 13, 2005

FILE No. 87-163

Surveyed & Prepared by

BADEY & WATSON, Surveying & Engineering P.C.

3083 Route 9
Cold Spring, New York 10516
(845) 265-9217
(845) 226-5342
(877) 314-1683 Toll-Free
(845) 265-4429 (Fax)
(845) 739-3577



PLANT LEGEND

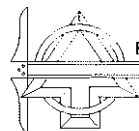
- SL - SAGITTARIA LATIFOLIA (DUCK POTATO)
- SV - SCIRPUS VALIDUS (SOFTSTEM BULRUSH)
- CSt - CAREX STRICTA (TUSSOCK SEDGE)
- OS - ONOCLEA SENSIBILIS (SENSITIVE FERN)
- COc - CEPHALANTHUS OCCIDENTALIS (BUTTON BUSH)
- OC - OSMUNDA CINNAMOMEA (CINNAMON FERN)
- ARu - ACER RUBRUM (RED MAPLE)
- VD - VIBURNUM DENTATUM (ARROWWOOD)
- VCo - VACCINIUM CORYMBOSUM (HIGHBUSH BLUEBERRY)
- JE - JUNCUS EFFUSUS (SOFT RUSH)
- CSe - CORNUS SERICEA (REDOSIER DOGWOOD)
- SE - SPARGANIUM EURYCARPUM (GIANT BURREED)
- VCd - VIBURNUM CASSINOIDES (WILD RAISIN)
- RP - ROSA PALUSTRIS (SWAMP ROSE)
- TL - TYPHA LATIFOLIA (BROADLEAVED CATTAIL)

PROPOSED WETLAND
MITIGATION AREA
0.37 ACRES

STORM WATER
QUALITY BASIN
0.31 ACRES

SEE SHEET 7 OF 7 FOR
PONDSCAPING NOTES AND CROSS SECTION

Surveyed & Prepared by



BADEY & WATSON, Surveying & Engineering P.C.

3063 Route 9 (845) 265-9217
Cold Spring, New York 10516 (845) 226-3302
(877) 314-1593 Toll-Free (914) 628-1000
(845) 263-4428 (Fax) (914) 739-3577

SHEET 6 OF 7

PREPARED FOR

McDONALD & LEINER

SITUATE IN THE

TOWN OF CARMEL

PUTNAM COUNTY

NEW YORK

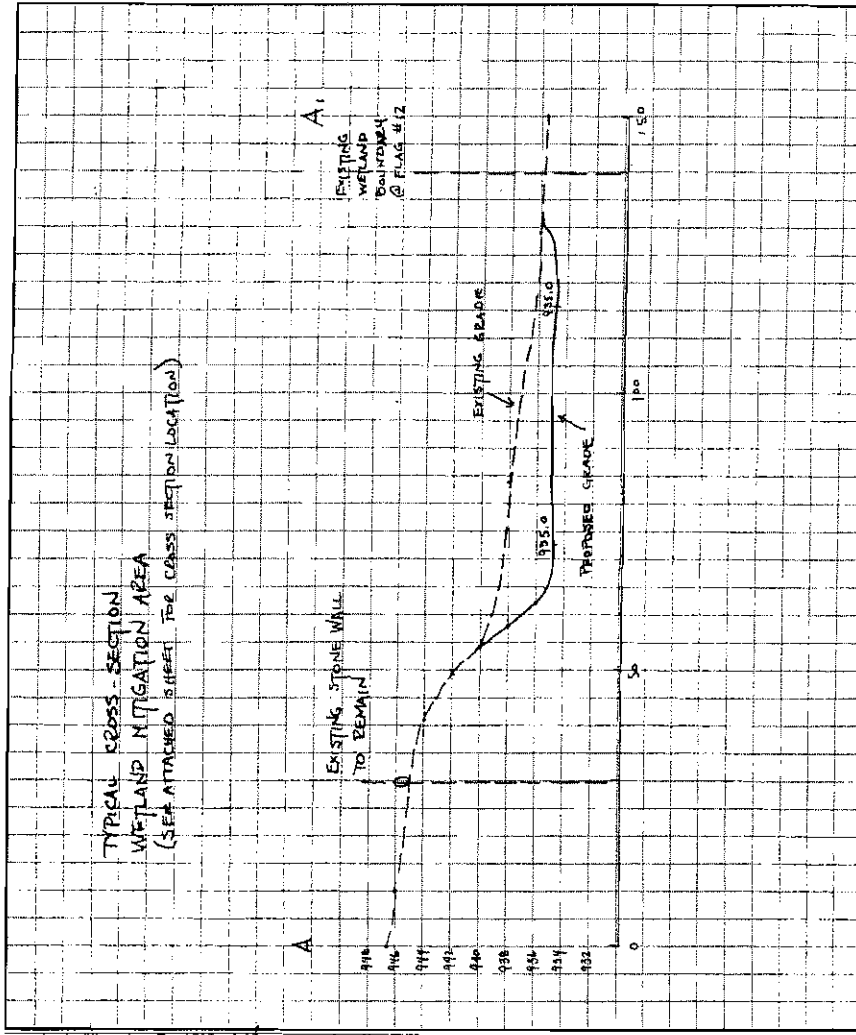
NOT TO SCALE

SEPTEMBER 13, 2005

PONDSCAPING SCHEDULE

1. INSTALL EROSION CONTROL MEASURES ACCORDING TO THE SOIL EROSION CONTROL GUIDELINES AND AS INDICATED ON THIS PLAN OR AS DIRECTED.
2. CONSTRUCT DRAINAGE STRUCTURES, EMBANKMENTS AND FOREBAY.
3. REGRADED AREAS SHALL RECEIVE A 4 INCH LAYER OF TOPSOIL. THE MATERIAL AND ITS PLACEMENT ARE TO CONFORM WITH NYSDOT STANDARD SPECIFICATIONS, SECTION 613.
4. THE INITIAL SEED MIXTURE FOR EROSION CONTROL WITHIN THE STORMWATER DETENTION AREA SHALL BE THE FOLLOWING:
TALL FESCUE - 0.5 LBS PER 1,000 SQ.FT.
RED TOP OR PERENNIAL RYE GRASS - 0.10 LBS PER 1,000 SQ.FT.
SEEDING IS TO BE MULCHED WITH AT LEAST THREE (3) BALES OF HAY PER 1,000 SQ. FT.
5. MAINTAIN INITIAL PLANTING UNTIL UPSTREAM DRAINAGE SHED HAS BEEN STABILIZED WITH PERMANENT VEGETATION. REMOVE, REPLACE AND/OR CLEAN FILTER FABRIC AND UNDERDRAIN.
6. RECONFIRM PLANTING ELEVATIONS ONE WEEK PRIOR TO PLANTING. STAKE AND FLAG PLANTING LOCATIONS. DEWATER, BY SIPHON, 24 HOURS BEFORE PLANTING IF NECESSARY.
7. WETLAND PLANTINGS ARE TO BE OBTAINED FROM NURSERY STOCK. PLANTINGS ARE TO BE GROUPED BY INDIVIDUAL SPECIES TO REDUCE COMPETITION WITHIN THE PLANTED AREA. INDIVIDUAL PLANTS SHOULD BE PLACED 3 FEET APART. PLANTING SHOULD BE ACCOMPLISHED AFTER APRIL 1 AND BEFORE JUNE 15. ACCEPTABLE WETLAND PLANTS ARE: FOR SUBMERGED PLANTING AREAS:
SL - SAGITTARIA LATIFOLIA (DUCK POTATO)
SV - SORBUS VALUOUS (SOFTSTEM BUIRUSH)
CSH - CAREX STRICTA (TUSsock SEDGE)
OS - ONOCLEA SENSIBILIS (SENSITIVE FERN)
COC - CEPHALANTHUS OCCIDENTALIS (BUTTON BUSH)
OC - OSMUNDA CINNAMOMEA (CINNAMON FERN)
ARU - AGER RUBRUM (RED MAPLE)
VD - VIBURNUM DENTATUM (ARROWWOOD)
VCO - VACCINIUM CORYMBOSUM (HIGHBUSH BLUEBERRY)
JE - JUNCOUS EFFUSUS (SOFT RUSH)
CSG - CORNUS SERICEA (REDOSIER DOGWOOD)
SE - SPARGANIUM EURYCARPUM (GIANT BURREED)
VCO - VIBURNUM CASSINOIDES (WILD RAISIN)
RP - ROSA PALUSTRIS (SWAMP ROSE)
TL - TYPHA LATIFOLIA (BROADLEAVED CATTAIL)
EXISTING PLANTS TO BE TRANSPLANTED AND CEASED WHERE APPROPRIATE. UNPLANTED AREAS TO BE SEED WITH HERBACEOUS WETLAND MIX. ALL OTHER AREAS DISTURBED BY CONSTRUCTION ARE TO BE STABILIZED AND PLANTED AS DIRECTED BY THE EROSION CONTROL PLAN.
8. MULCH AND WATER STOCK AS NEEDED.
9. INSPECT WETLAND PLANTINGS TWICE A YEAR
10. REINFORCE PLANTING AT THE END OF THE 1ST AND 2ND GROWING SEASON.
11. SUPPRESS WEEDS AND VINES ON TREES DURING THE FIRST TWO (2) YEARS.
12. REMOVE EROSION CONTROL MEASURES UPON STABILIZATION OF THE RECLAIMED AREA, AND THE PRIVATE ROAD AND DRIVE OBSTRUCTION.

McDonald-Leiner, Town of Carmel
 T.M. MILLER
 ASSOCIATES, INC.
 10 North Street, Cold Spring, N.Y. 10516
 (914) 365-4400 (phone) • (914) 365-4418 (fax)
 SCALE: H 1" = 20' V 1" = 8'
 CHECKED BY: DATE: 4/1/04
 CALCULATED BY: STEVE MACKIN, P.E. DATE: 4/1/04
 SHEET NO. OF



SHEET 7 OF 7

PREPARED FOR

McDONALD & LEINER

SITUATE IN THE

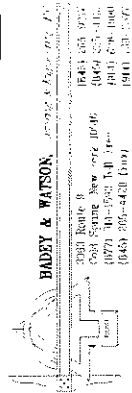
TOWN OF CARMEL

PUTNAM COUNTY

NEW YORK

NOT TO SCALE

SEPTEMBER 13, 2005



BADEY & WATSON, ENGINEERS & ARCHITECTS, P.C.

2001 Route 9
 Cold Spring, New York 10516
 (914) 365-4400
 (914) 365-4418
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 1910 138 537